

REMARKS

The Applicants respectfully request reconsideration and allowance of claims 1, 2, 4-6, 9-14, 16-21, and 23, and consideration and allowance of new claims 26 and 27 in view of the arguments set forth below.

I. THE TELEPHONE INTERVIEW

The Applicants appreciate the telephone interview conducted between Applicants' Russell Culbertson and Examiners Nguyen and Thai on April 4, 2006. In the telephone interview, the Applicants' attorney pointed out that the Alcorn reference (U.S. Patent No. 6,620,047 described further below) did not disclose or suggest a player control touch screen display on a forwardly projecting ledge as required in the Applicants' claims. The Examiners suggested it was a matter of design choice to place such a touch screen display on the forwardly projecting ledge of a gaming machine as claimed. The Applicants' attorney pointed out that absent any teaching, suggestion, or motivation in the prior art to modify a reference, modification is improper under Section 103. The Examiners indicated that further searching would be conducted regarding the placement of a touch screen display as required in the present claims.

No agreement as to the allowability of the claims was reached in the telephone interview.

II. THE AMENDMENTS

20 Claims 1 and 21 are amended above to require that the additional video display located
21 above the game video display extend substantially the entire width of the gaming machine.
22 These amendments are supported by Figure 1. Claim 5 is amended to require that the player
23 interface is simply located in an area removed from the forwardly projecting ledge. This

1 limitation is supported by Figure 1 of the original disclosure and the disclosure text describing
2 that figure. New claims 26 and 27 depend from claim 21 and respectively require one or more
3 mechanical player input devices mounted on the forwardly projecting ledge, and one or more
4 mechanical player interface devices mounted on the gaming machine in an area removed from
5 the forwardly projecting ledge. These limitations are again supported by original Figure 1 and
6 the disclosure text describing that figure.

7

8 III. THE CLAIMS ARE NOT OBVIOUS OVER MORROW AND ALCORN

9 The Office Action rejected claims 1, 2, 4-6, 9-14, 16-21, and 23 under 35 U.S.C. 103(a)
10 as being unpatentable over U.S. Patent Application No. 2003/0064771 to Morrow et al.
11 ("Morrow" or the "Morrow reference") in view of U.S. Patent No. 6,620,047 to Alcorn et al.
12 ("Alcorn" or the "Alcorn patent"). The Applicants respectfully traverse these rejections. In
13 particular, the Applicants believe that the proposed combination of Morrow and Alcorn does not
14 teach or suggest each element required by the present claims.

15 Independent Claims 1, 6, 14, and 21

16 Element (d) of claim 1 requires a player control touch screen display located below the
17 game video display at the front side of the cabinet. The player control touch screen display
18 extends substantially the entire width of the front side of the gaming machine and forms a portion
19 of a forwardly projecting ledge located below the game video display. Independent claims 6 and
20 21 require similar limitations regarding a player control touch screen, and claim 14 requires a
21 similar limitation except that the video display on the forwardly projecting ledge need not
22 comprise a touch screen display.

1 The Office Action at the bottom of page 3 acknowledges that the Morrow reference does
2 not disclose a player control touch screen display forming a forwardly projecting ledge below a
3 game video display in a gaming machine. In order to make up for this deficiency in Morrow, the
4 Office Action cites Column 4, lines 16-17 and Figure 3 of Alcorn as teaching that the control
5 buttons 40 located below the video display shown in Alcorn could be touch screen buttons.
6 (Office Action at p. 4, lines 6-9). The Applicants respectfully submit that the Alcorn patent
7 simply does not teach or suggest employing a player control touch screen forming a portion of a
8 forwardly projecting ledge as required by claims 1, 6, and 21 and their respective dependent
9 claims, and does not teach or suggest a video display of any type forming a portion of a forwardly
10 projecting ledge as required by claim 14 and its dependent claims.

11 Figures 1 and 2 of Alcorn clearly show mechanical buttons 40 on a forwardly projecting
12 ledge below display 16. Figure 3 of Alcorn shows a user interface 42 that includes the
13 mechanical buttons 40, a handle, and a touch screen. This touch screen is shown in Alcorn's
14 Figure 3 clearly as being simply a lower part of the CRT display 16. At lines 60-63 of column 3,
15 Alcorn teaches that the lower region 19 of display 16 includes touch screen buttons. At lines 9-
16 18 of column 4, Alcorn states:

17 An integrated touch screen overlaying the display screen, along with the
18 series of "hard" buttons 40 arrayed along the bottom edge of the display, provide
19 the main player interface to the system.

20 In FIG. 3 of the drawing [sic], a generalized block diagram depicts the
21 principal functional components of the system and includes a central processing
22 unit (CPU) 45, the CRT 16, a user interface 42 that includes the touch screen
23 buttons 40 [sic] and pull handle 39....

24 It is apparent when comparing the drawings in Alcorn to the textual description that the buttons
25 40 are mechanical buttons "arrayed" along the bottom of display 16 and are not touch screen
26 buttons. The only touch screen buttons disclosed in Alcorn are buttons in the lower area 19 of

1 display 16 (see Alcorn Figures 1-3, and col. 3, lines 61-63). The reference in Alcorn at column
2 4, line 17 to "touch screen buttons 40" is obviously a typographical error omitting a comma after
3 "touch screen." Despite this apparent typographical error in Alcorn, the Applicants submit that
4 one of ordinary skill in the art would recognize that Alcorn teaches only mechanical buttons 40
5 on the forwardly projecting ledge below display 16, and does not suggest a player control touch
6 screen on the ledge. It is only in hindsight, after considering the Applicants' own disclosure that
7 one would take lines 16-17 of Alcorn to suggest a touch screen display on the ledge below
8 display 16.

9 Because the cited references do not teach the ledge mounted player control touch screen
10 display or other display, the Applicants respectfully submit that claims 1, 6, 14, and 21 are not
11 obvious in view of the proposed combination of Morrow and Alcorn, and are entitled to
12 allowance together with their respective dependent claims.

13 The Applicant notes the statement in the Office Action as follows.

14 "since Alcorn et al. suggest the a [sic] slant-top player control interface can be
15 used, it is obvious to utilize the slant-top video screen together with the
16 mechanical player control devices mounted ledge (38) [sic]." (Office Action at p.
17 4, lines 9-12)

18 The Applicants respectfully submit there is no basis in the record for either the finding or
19 conclusion set forth in this statement. Furthermore, what "is obvious" is not relevant under
20 Section 103. The question is what would have been obvious to one of ordinary skill in the art
21 acting at the time of the invention in question, and not what is obvious now.

22 The Applicants also note the statement at page 4 of the Office Action indicating that the
23 arrangement of video displays in a gaming machine is a matter of design choice. The Applicants
24 respectfully submit that simply characterizing a given feature as a matter of "design choice" does

1 not in any way substitute for a *prima facie* showing of obviousness. As discussed in the M.P.E.P.
2 at Section 2143, three basic criteria must be met in order to make a *prima facie* showing of
3 obviousness. First, there must be some suggestion or motivation, either in the references
4 themselves or in the knowledge generally available to one of ordinary skill in the art, to modify
5 the reference or to combine reference teachings. Second, there must be a reasonable expectation
6 of success. Finally, the prior art reference (or references when combined) must teach or suggest
7 all the claim limitations. Absent any one or more of these three criteria, an obviousness rejection
8 is improper.

9 Applying these requirements to the present claims, it is apparent that Alcorn and Morrow,
10 either taken alone or as combined, do not teach or suggest all of the claim limitations in
11 independent claims 1, 6, 14, and 21. Each of claims 1, 6, and 21 requires a player control touch
12 screen display located below the game video display at the front side of the cabinet, extending
13 substantially the entire width of the front side of the gaming machine, and forming a portion of a
14 forwardly projecting ledge located below the game video display. Claim 14 requires a video
15 display located below two other video displays at the front side of the cabinet and forming a
16 portion of a forwardly projecting ledge of the gaming machine. However, Alcorn and Morrow
17 simply do not teach or suggest this ledge-mounted video display or player control touch screen
18 feature. Furthermore, there is no teaching or suggestion in the prior art to modify either of these
19 references to include this feature. Thus, the Office Action fails to make out a *prima facie* case of
20 obviousness as to claims 1, 6, 14, and 21 and their respective dependent claims.

21

1 Claim 16

2 Independent claim 16 is directed to a method of making a game presentation at a gaming
3 machine and requires displaying a first game presentation through a series of four video displays
4 located at a front side of the gaming machine in columnar fashion, each respective video display
5 showing a respective portion of the first game presentation and extending across substantially the
6 entire width of the front side of the gaming machine. The Applicants submit that the Alcorn and
7 Morrow patents do not teach or suggest any method employing this columnar arrangement of
8 video displays, and thus that the rejection of claim 16 is improper.

9 Both Alcorn and Morrow disclose that the central video display does not extend
10 substantially the entire width of the gaming machine. That is, both references show an area to
11 the right of the center video display. Thus, even if there was some teaching or suggestion in the
12 prior art to combine Alcorn and Morrow, the resulting combination would not teach or suggest
13 all the claim limitations in claim 16. That is, combining Alcorn and Morrow would result in a
14 gaming machine having a center video display that does not extend substantially the entire width
15 of the gaming machine. The resulting gaming machine would not produce a game presentation
16 as required at element (a) of claim 16; the resulting gaming machine would not produce a game
17 presentation with four video display devices arranged in columnar fashion with each display
18 extending substantially the entire width of the gaming machine.

19 Because the proposed combination of Alcorn and Morrow does not teach or suggest each
20 element required in claim 16, the proposed combination cannot render the claim obvious.

21 For all of these reasons the Applicants respectfully submit that claim 16 is not obvious in
22 view of Morrow and Alcorn, and is condition for allowance together with its dependent claims,
23 claims 17-20.

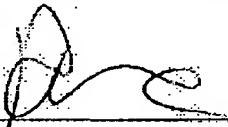
1 IV. CONCLUSION

2 For all of the above reasons, the Applicants respectfully request reconsideration and
3 allowance of claims 1, 2, 4-6, 9-14, 16-21, and 23, and consideration an allowance of new claims
4 26 and 27. If the Examiner should feel that any issue remains as to the allowability of these
5 claims, or that a further conference might expedite allowance of the claims, the Examiner is
6 asked to telephone the Applicants' attorney Russell D. Culbertson at the number listed below.

7
8
9
10 Dated: 10 April 06

Respectfully submitted,

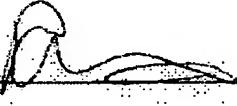
The Culbertson Group, P.C.

11 By: 

12 Russell D. Culbertson, Reg. No. 32,124
13 Trevor Lind, Reg. No. 54,785
14 1114 Lost Creek Boulevard, Suite 420
15 Austin, Texas 78746
16 (512)327.8932
17 ATTORNEYS FOR APPLICANTS

18 CERTIFICATE OF FACSIMILE

19 I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and
20 Trademark Office, (Fax No. 571-273-8300) on April 10, 2006.

21 Russell D. Culbertson, Reg. No. 32,124 

22 1039_Resp_OA 060314.wpd